

bill continues to allow the FBI to get financial, telephone, Internet and consumer records relevant to an intelligence investigation without judicial approval.

Prior to the PATRIOT Act, these requests had to be directed at agents of a foreign power. Under the PATRIOT Act, they can be used against anyone, including American citizens.

The bill continues to allow the FBI to execute a search and seizure warrant without notifying the target of a warrant for 6 months if it is deemed that providing advance notice would interfere with the investigation. This section is not limited to terrorism investigations and is not scheduled to sunset.

The bill does not sufficiently address the issues in section 206 which deal with the roving John Doe wiretaps. Under the PATRIOT Act, the FBI can obtain a warrant and intelligence investigations without identifying the person or the phone in question.

This bill does nothing to protect library records and bookstore receipts. I offered an amendment in the Intelligence Committee to modify Section 215 of the PATRIOT Act to prohibit the FBI from using this section to obtain library circulation records, library patron lists, book sales records, or book customer lists, but the amendment was not allowed by the Rules Committee.

In conclusion, the American people love and cherish their liberties, and they want and deserve to be safe. I think we can do both. I do not believe this bill does both. We need a better bill.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Chairman, I appreciate the gentleman yielding me this time.

Over the past 3 years, the PATRIOT Act has played a key role in the prevention of terrorist attacks right here in the United States. Prior to the PATRIOT Act, the ability of government agencies to share information with each other was limited, which kept investigators from fully understanding what terrorists might be planning and to prevent their attacks.

The U.S. Attorney for the Northern District of Indiana, Joseph Van Bokkelen, explained, "If an assistant U.S. Attorney learned through the use of a grand jury that there was a planned terrorist attack in northern Indiana, he or she could not share that information with the CIA."

The PATRIOT Act brought down the wall separating intelligence agencies from law enforcement and other entities charged with protecting the Nation from terrorism. It has given law enforcement the tools they need to investigate terrorist activities while striking a delicate balance between preventing another attack and preserving citizens' constitutional rights. And to date, there has not been one verified case of civil liberties abuse.

Mr. Chairman, I urge my colleagues to join me in supporting the reauthor-

ization of the PATRIOT Act and to give our government the tools it needs to succeed in the war on terrorism.

Ms. HARMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT), another valued member of our committee.

Mr. HOLT. Mr. Chairman, I rise in opposition to the PATRIOT Act. Even if all of the amendments before us today are passed, it will not bring this bill into the shape that it should be.

We worked on this in the Permanent Select Committee on Intelligence. I am sorry to say that most of our reasonable amendments were voted down on a party-line basis. But to make matters worse, even those improvements made in the Permanent Select Committee on Intelligence did not find their way through the Committee on Rules to the floor. So I remain deeply concerned about what this bill does to the American people.

The police and prosecution powers of government are among the most important powers for preserving life and liberty, but they are also among the most fearsome. Section 213, the so-called sneak-and-peek searches, it would allow investigators to come into your home, my home, take pictures, seize personal items, and when they discover they have made a mistake, there is no time in which they have to notify you that they have been there. One does not have to be a paranoid to be concerned that somebody has been in your house.

Members might say it only applies to terrorists; it does not apply to law-abiding citizens like you and me. Well, tell that to Brandon Mayfield, tell that to the Portland attorney who was detained by investigators under the PATRIOT Act. Now, the FBI in that case apologized, but this is something that hits home, and we have a responsibility to preserve the freedoms of people at home.

Mr. Chairman, I rise today in opposition to the reauthorization of the PATRIOT Act. As you know, the PATRIOT Act was passed in the aftermath of the attacks of September 11, 2001. The Act was an immediate reaction to the state of shock the country was in—being drafted, briefly debated, approved, and signed into law by October 26, 2001, just weeks after the attacks. At the time I, and many other Members of Congress, voted for the Act under the condition that a number of the provisions contained within it would sunset and thus would need to be reviewed and reauthorized.

The police and prosecution powers of the government are important and necessary to preserving life and liberty, but they are also the most fearsome powers of government and, if abused, can rob us of life and liberty. For generations, thousands upon thousands of people have come to America's shores to be free of the oppressive hand of authorities in other countries, to be free of the fear of the knock on the door in the middle of the night, to be free of the humiliation and costs and stigma of inappropriate investigations.

As the only Member of Congress from New Jersey, a state which suffered great loss on September 11th, on the House Permanent Se-

lect Committee on Intelligence, I looked forward to working within the committee during our mark up of the PATRIOT Act to address a number of valid concerns that have arisen over the last few years about the sun-setting provisions. However, most of the important amendments that were offered were defeated on party lines. And what we did accomplish—the improvements we made—did not make it through the Rules Committee for consideration on the floor.

I remain deeply concerned about many of the provisions in the PATRIOT Act as reported to the House, but I would like to specifically discuss two of them. I am deeply troubled by Section 213, which will be permanently reauthorized by this legislation. The so called "sneak and peek" searches allow federal agents to literally go in to your home, my home, anyone's home and conduct a secret search. Investigators can take pictures and even seize personal items or records and unbelievably they do not need to tell you about it for an indefinite period of time. When they discover they made a mistake or they discover you are not engaged in terrorist actions, they are under no obligation to ever let you know promptly.

Another provision of the PATRIOT Act, Section 215, allows investigators broad access to any record without probable cause of a crime. This means that investigators can review your deeply personal medical records and also library records without telling you about it and without any probable reason to do it. Investigators under Section 215 would be able to access all the medical records at a local hospital with only the indication that there may be potentially valuable records contained therein. In other words, most of the records searched are of innocent people, but because there is a terrorist investigation underway or a terrorists records might be somewhere in the batch, they get swept up in the search.

These provisions and many others have a deep impact on the freedoms and civil liberties all Americans. Some will say we need these provisions to track down terrorist and build cases against them. But what goes unsaid is that these provisions will also be used against people who have committed no crime and who are completely innocent. It is because of this that the PATRIOT Act must be understood as affecting all of us. A small number of unnecessary intrusions can have a broadly chilling effect. Proponents of the Patriot bill before us will say that it is directed at terrorists, not law abiding citizens, but they should try to tell that to Mr. Brandon Mayfield of Portland, Oregon.

Brandon Mayfield, a Portland attorney, was detained by investigators last year as a material witness under authority granted by the PATRIOT Act. They alleged that his finger prints were found on a bag linked to the terrorist bombings in Madrid, Spain last year. More so called evidence was collected when his residence was searched, without his knowledge, under Section 213 of the Act. However, the investigators were wrong. The FBI has issued an apology for his wrongful detention. But this is no conciliation for a lawyer and Muslim American whose reputation was tarnished by this investigation, made possible by the overly-broad powers granted under the PATRIOT Act. How can we allow this to happen in America? Of course, some mistakes will occur, but this bill strikes the wrong balance and makes those errors more likely.